

REMARKS

A Request for Continued Examination (RCE) accompanies this amendment. Upon entry of the present amendments, claims 9-13 and 15-16 will be pending. Claims 8 and 14 have been canceled. New claim 16 has been added, support for which can be found in the as-filed claims and in the as-filed specification (*inter alia*, page 3, line 7 to page 4, line 14). No new matter has been added.

Claims 8-15 have been objected to under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement. Claim 8 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Dorman (U.S. Patent No. 2,797,463). Claims 9-11 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Bentsen (U.S. Patent No. 4,673,383). Claims 12-13 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Bentsen and further in view of Custer (U.S. Patent No. 5,216,787). Claim 15 has been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Dorman in view of Kapperman (U.S. Patent No. 6,004,032).

Applicant respectfully contends that the rejections under § 112 and § 102(b) are rendered moot by the cancellation of claim 8. In addition, applicant respectfully asserts that Dorman does not deprive any of the claims of the present application of novelty nor do any of the cited references, either alone or in combination, render any claim obvious.

Claim 16 recites reclosable fasteners for plastics bags and other containers, comprising: a first element comprising a first elongate body portion, at least one first upstanding elongate profiled member extending away from the first body portion, a first upstanding post at a first lateral margin of the first body portion, and a first heel at a second

lateral margin of the first body portion; a second element comprising a second elongate body portion, at least one second upstanding elongate profiled member extending away from the second body portion, a second upstanding post at a first lateral margin of the second body portion, and a second heel at a second lateral margin of the second body portion; wherein the first and second profiled members are releasably engagable when the first and second elements are pressed together with the first and second profiled members facing each other in order to produce an engaged condition of the first and second elements; and wherein, in the engaged condition, both the first post and the second heel, and the second post and the first heel, are aligned and are arranged to contact each other at respective complementarily angled contact surfaces thereof to form *a configuration* which provides resistance to compression forces exerted on the first and second elements in their engaged condition thereby substantially preventing distortion of the first and second profiled members under application of a load urging the first and second elements together when in their engaged condition.

Significantly, Dorman does not teach or suggest fasteners comprising posts and heels which, in an engaged condition, form *a configuration* which provides resistance to compression forces and thereby substantially prevent distortion of the first and second profiled members under application of a load urging the first and second elements together when in their engaged condition. Rather, the Dorman fastener shows lip-like portions 14, 30 on each part of the fastener. These elements, however, do *not* contact any surface on the corresponding other part of the fastener in such a way as form the recited *configuration* which provides resistance to compressive forces and substantially prevents distortion of the profiled members of the fastener parts when the parts are subjected to a load urging the fastener parts together when in an engaged condition.

With reference to Figure 3 of Dorman, which one skilled in the art would understand represents a condition of no loading on the Dorman fastener, the projections 9, 10 of one fastener part engage in channels 20, 21 of the other fastener part and the projections 18, 19 of the other fastener part engage in channels 12, 13 of the first fastener part. Under such a condition, the lip-like portions 14, 30 on each part and the (unnumbered) corresponding opposing surfaces on the other part are barely, if at all, in contact with each other. In this condition, however, the projections 9, 10, 18, 19 are clearly “grounded” in the corresponding channels 20, 21, 12, 13. Such contact would, therefore, have the effect of *causing* not *preventing* distortion of the projections 9, 10, 18, 19 upon exertion of a compressive load urging the fastener parts together when in an engaged condition. As such, Dorman fails to teach or suggest the claimed invention.

Further, the purpose of the lip-like portions 14, 30 of the Dorman fastener is entirely different from that of the posts and heels of the fastener of claim 16 of the present application. According to Dorman, the purpose of the lip-like portions is firstly to protect the free edges of the marginal portions of the fastener parts and to prevent accidental lifting and displacement of the free edges of the strip, (Col. 3, lines 34-35), and secondly, to provide an additional sealing action when the inter-engaged parts are, for example, subjected to a fluid pressure (Col. 3, lines 37-38). In contrast, the fastener of the present application substantially prevents distortion of the first and second profiled members under application of a load urging the first and second elements together when in their engaged condition

In light of the foregoing, Applicant asserts that Dorman and the rest of the cited art fail to teach or suggest all of the elements of claims 9-13 and 15-16. None of the cited art discusses fasteners comprising posts and heels which, in an engaged condition, form *a*

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configuration which provides resistance to compression forces and substantially prevents distortion of the profiled members of the fastener parts when the parts are subjected to a load urging the fastener parts together when in an engaged condition. As such, this application is in condition for allowance. Applicant invites the examiner to contact the undersigned at (215) 557-5965 to clarify any unresolved issues raised by this response.

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